THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.

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BOMBAY ACT No. VI OF 1918.[1]

[THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.]

[*17th September 1918*]

Repealed in part by Act 38 of 1920.
Amended by Bom. 4 of 1920.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
,, ,, ,, by the Adaptation of Laws Order, 1950.

An Act to disqualify certain aliens from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay.

WHEREAS it is expedient that certain aliens should be disqualified from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Disqualification of Aliens Act, 1918.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

[2][(*a*) " alien " means—

(*i*) a person who is [3][not a citizen of India], or

(*ii*) a person who, whether he is himself within the foregoing definition or not, represents an alien firm as defined in clause (*aa*) for the purpose of voting at an election of a member of any of the local authorities specified in the schedule or for the purpose or membership of any of the said authorities;

(*aa*) " alien firm " means any firm, company, association or body of individuals (whether incorporated or not), a majority of the members of which are aliens as defined in sub-clause (*i*) of clause (*a*), or the business of which is carried on under the control or mainly for the benefit of aliens as so defined;]

[4](*b*) * * * * * * *

(*c*) " member " includes a municipal councillor and a member of a body of trustees.

Disqualification of aliens.

3. Save as hereinafter otherwise provided, no alien shall be qualified to be a member of any of the local authorities specified in the schedule or to vote at any election of a member of any of the said authorities.

Effect of subsequent disqualification.

4. (*1*) If any person having become a member of any of the local authorities specified in the schedule, subsequently becomes an alien, his seat shall thereupon become vacant.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1918, Part V, page 266; and for Proceedings in Council, *see ibid*, 1918, Part V, pages 857 to 889.

[2] These clauses were substituted for original clause (*a*) by s. 2 of the Bombay Disqualification to Aliens (Amendment) Act, 1920 (Bom. 4 of 1920.

[3] These words were substituted for the words " neither a British subject nor a subject of the Indian State " by the Adaptation of Laws Order, 1950.

Clause (*b*) was omitted by Bom. 4 of 1920, s. 2.

(*2*) Section 18 of the [1]City of Bombay Municipal Act, 1888, shall be read and construed as if, after the word "aforesaid", the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted. Bom. III of 1888.

(*3*) Section 15, sub-section (*3*) of the [1]Bombay District Municipal Act, 1901, shall be read and construed as if, after the word "section" the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted. Bom. III of 1901.

Exemption.

5. The [2][[3]State] Government] [4]* * * may, by notification in the [5][*Official Gazette*], exempt any person or class of persons from the operation of this Act.

Modification of Schedule.

6. The [2][[3]State] Government] may, by notification in the [5][*Official Gazette*], direct that the name of any of the local authorities specified in the Schedule shall omitted therefrom, or that the name of any other local authority shall be entered therein, and such direction shall have effect accordingly.

THE SCHEDULE.

Local Authority.	Enactment under which the local authority is constituted.
The trustees of the port of Bombay ..	The Bombay Port Trust Act, 1879 (Bom. VI of 1879).
All local boards	[6]The Bombay Local Boards Act, 1884 (Bom. I of 1884).
[7]* * *	* * *
The Municipal Corporation of the City of Bombay.	The City of Bombay Municipal Act, 1888 (Bom. III of 1888).
[8]* * *	* * *
The trustees for the improvement of the City of Bombay.	[9]The City of Bombay Improvement Act, 1898 (Bom. IV of 1898).
All municipalities in municipal districts outside the City of Bombay.	The Bombay District Municipal Act, 1901 (Bom. III of 1901).

[1] *Supra.*

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] The words "with the approval of the Governor-General in Council" were repealed by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] *See* now Bom. 6 of 1923.

[7] The entry relating to the trustees of the port of Karachi was omitted by the Adaptation of Laws Order, 1950.

[8] The entry relating to the trustees of the port of Aden was omitted by the Adaptation of Indian Laws Order in Council.

[9] The City of Bombay Improvement Act, 1898 (Bom. 4 of 1898), has been repealed by Bom. 16 of 1925 which in turn is repealed by Bom. 13 of 1933.